

*Appl. Serial No. 10/567,737*

*Amdt. Dated June 23, 2009*

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## **REMARKS/ARGUMENTS**

### **Claim Amendments**

Claims 7, 10, 16, and 21 were amended by removing the multiple claim dependencies and making them depend from claim 1, 1, 15, and 17, respectively.

Claim 17 was amended to depend from claim 13 and indicate that the "surgical procedure" of claim 13 was cardiac surgery.

Claim 19 was amended to depend from claim 2 and the claim structure reworded accordingly for syntax for "cerebral embolization" and to indicate that the glycosaminoglycan and the serpin are administered in the form of a pharmaceutical composition comprising said components.

Claim 20 was amended to depend from claim 1 and reworded for syntax accordingly.

Claims 24 and 25 were withdrawn without prejudice as noted below.

It is submitted that the above-noted amendments find support in the application as filed and add no new matter to the application as filed.

### **Remarks/Arguments**

The Examiner issued a restriction requirement in the letter dated October 29, 2007 on the above-noted patent application and requested the Applicant make an election among Groups I - IV. Applicant herein elects Group I claims, has amended Group II and III claims without prejudice to fall within Group I and have withdrawn Group IV claims with the intention of retaining the right of rejoinder.

This election is made without prejudice of pursuing other claim groupings either by rejoinder in the present application or by way of a divisional or continuation or continuation-in-part application, nor without prejudice of pursuing any other subject matter disclosed in the current claims or the application as filed.

Applicant respectfully traverses the Examiner's rejection as follows.

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1. Pursuant to 35 U.S.C. 121, a request for restriction is not mandatory.

2. MPEP 803 states:

- (a) *Under the statute>, the claims of< an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP § \*\*> 802.01, § 806.06, and § 808.01<) or distinct (MPEP § 806.05 - § \*>806.05(i)<). and*
- (b) *If the search and examination of \*\*>all the claims in an< application can be made without serious burden, the examiner must examine \*>them< on the merits, even though \*\*>they include< claims to independent or distinct inventions. [Emphasis added].*

It is respectfully submitted that Group II claims 17 and 21 – 23 were amended by making claim 17 depend from claim 13 which in turn depends from claim 10 and then claim 1, which are all Group I claims. Claim 21 was amended to depend from claim 17. As such, it is submitted that unity of invention is maintained as Group II claims now have a common inventive feature with Group I claims and are so linked.

Similarly, Group IV claims 19 - 23 were amended to depend from Group I claims. Claim 19 was amended to depend from claim 16, claim 20 from claim 1 and claims 21 – 23 were amended as noted above. As such, again unity of invention is now established between Group I, II and III claims. As such it would not be an undue burden to examine claims 1 – 23 together in one application as currently amended. The Examiner is respectfully requested to consider this request.

Group IV claims, claims 24 and 25 are directed to pharmaceutical compositions comprising a glycosaminoglycan and a serpin and thus would, it is submitted not be an undue burden to search in light of the method claims. However, the Applicant has withdrawn them for now without prejudice. However, reconsideration by the Examiner is requested.

Applicant wishes to retain the right to rejoinder. As such, although Group I claims have been elected, the related pharmaceutical composition claims have been withdrawn to be considered for rejoinder once the elected claims have been allowed. Further, by amendment to the claims, it is requested that Group II and III claims now be considered as falling within Group I.

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The Commissioner is hereby authorized to charge any fee which may be required to fully reply and enter this response, including any claim fees or extensions of time fees, or otherwise to keep the application in good standing, to our firm's Deposit Account No. 15-0633.

Should the Examiner like to discuss the matter, she is kindly requested to contact Anita Nador at 416-601-7530 at her convenience.

Respectfully submitted,  
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Dated: June 23, 2009

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